

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES DERRICK O'NEAL,

Petitioner,

vs.

MARGARET BAGLEY, Warden

Respondent.

:

:

:

:

Case No. 1:02-cv-357

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

Death Penalty Case

STATUS REPORT ON STATE COURT PROCEEDINGS:
DECISION OF SUPREME COURT OF OHIO

Petitioner James O'Neal, through the undersigned counsel, hereby submits this report on the status of the state court proceedings on his Atkins claim.

Accompanying this status report is a copy of the May 2, 2007 entry of the Supreme Court of Ohio in State of Ohio v. James Derrick O'Neal, Case No. 2007-0080, declining jurisdiction to hear the case and dismissing the appeal from the decision of the Hamilton County Court of Appeals. Petitioner has thus exhausted his state court remedies with respect to this claim.

Respectfully submitted,

s/John J. Gideon

JOHN J. GIDEON (0008151)

(Trial Counsel)

250 East Stanton Avenue

Columbus, Ohio 43214-1268

Phone: (614) 844-3954

Email: johngideon@sbcglobal.net

s/Michael W. Krumholtz
MICHAEL W. KRUMHOLTZ (0009099)
(Co-Counsel)
Bieser, Greer & Landis LLP
6 North Main Street, Suite 400
Dayton, Ohio 45402-1908
Phone: (937) 223-3277
Facsimile: (937) 223-6339
Email: mwk@bgllaw.com

COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2007 I electronically filed the foregoing Status Report on State Court Proceedings: Decision of Court of Appeals of Hamilton County with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Stephen E. Maher and Matthew C. Hellman, Assistant Attorneys General, Capital Crimes Section, 30 East Broad Street-23rd Floor, Columbus, Ohio 43215-3428.

s/ John J. Gideon
JOHN J. GIDEON (0008151)
(Trial Counsel)
250 East Stanton Avenue
Columbus, Ohio 43214-1268
Phone: (614) 844-3954
Email: johngideon@sbcglobal.net

COUNSEL FOR PETITIONER